

REMARKS

Claims 1, 5-14, 16-20, 24, 26-28, 30 and 32-34 are pending in the application.

The Final Office Action dated July 25, 2008, contained the following rejections:

(a) Claims 1, 5-13, 19, 20, 24, 27, and 28 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Jie et al. (Am J Clin Nutr 2000, 72:1503-9) ("Jie"); (b) Claims 1, 5-14, 16-19, 27, 28, 30, and 32-34 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Takemori et al. (US 5,711,982, January 27, 1998) ("Takemori"); (c) Claims 1, 5-14, 16, 17, 19, 24, 26-28, 30, and 32-34 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Shaw Craig et al. (US 2003/0008843, January 9, 2003); (d) Claims 1, 5-13, 19, 27, and 28 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Solomons et al. (J. Lab. Clin. Med, May 1985, pages 585-592) ("Solomons"), and (e) Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Solomons in view of Borden et al. (US 5,601,863, February 11, 1997).

Applicants timely filed a response under 37 CFR § 1.116 on September 25, 2008.

All rejections were maintained in an Advisory Action mailed October 15, 2008.

The response filed pursuant to 37 CFR § 1.114 on November 25, 2008 is believed to have effectively addressed all of the issues raised in Final Office Action dated July 25, 2008 and the Advisory Action mailed October 15, 2008.

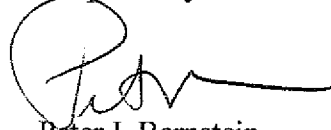
Further to the response filed pursuant to 37 CFR § 1.114 on November 25, 2008, a supplemental submission is filed herewith. The submission adds dependent claims 35-36. Explicit support for claim 35 can be found in the specification on page 9, lines 5-6 of the second paragraph. Similarly, explicit support for claim 36 can be found in the specification on page 8,

line 3 of the sixth paragraph. Accordingly, the supplemental submission does not introduce new matter into the application.

It is respectfully requested that the Examiner enter into the record the supplemental submission filed herewith. Per the office guidelines set out in MPEP § 714.03(a), it is acknowledged that the supplemental submission may be entered according to the Examiner's discretion. Therefore, it is further respectfully requested that the Examiner consider that newly added dependent claims do not add new matter nor do they raise new issues. It is therefore respectfully requested that the Examiner be favorably disposed to enter the supplemental submission.

Accordingly, it is further respectfully submitted that the pending and newly added claims are in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', written over a circular stamp or mark.

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